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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Peterson, Gary E. Examiner: Pillai, Namitha
Application Number: 10/716,893 Art Unit: 2173
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Title: INTERACTIVE RISK MANAGEMENT
SYSTEM AND METHOD

**SECOND SUPPLEMENTAL DECLARATION OF
PRIOR INVENTION UNDER 37 C.F.R. § 1.131**

I, Gary E. Peterson, declare as follows:

1. I am the inventor named in this application and in co-pending continuation-in-part patent application Serial Numbers 10/868,484 and 11/223,468. I am the President of IMAG Inc., the assignee of these three applications and the real party in interest.

BACKGROUND AND EVIDENCE OF RECORD RELATING TO
REDUCTION TO PRACTICE OF INVENTION OF THE CLAIMS

2. I reconfirm that I reduced to practice my invention, as claimed in the above-identified application and in co-pending continuation-in-part patent application Serial Numbers 10/868,484 and 11/223,468, prior to December 16, 2002. These facts were clearly stated in my previous "Supplemental Declaration of Prior Invention Under 37 C.F.R. Section 1.131" that was both filed in this application and signed by me on June 23, 2008 ("my June 23, 2008 Declaration"). Detail is provided in paragraph 5 of my June 23, 2008 Declaration with

reference to a "working prototype" and in paragraph 10 of that Declaration with reference to "the first commercial presentation" and the fact that the "prototype was demonstrated to a potential customer on December 12, 2002."

3. The actual reduction to practice is prior to December 16, 2002 is also clearly supported by the evidentiary documents submitted with my June 23, 2008 Declaration, including the "Declaration of Robert P. Catalano" and accompanying Exhibits filed in this application and signed by Robert P. Catalano on June 23, 2008 (the "June 23, 2008 Catalano Declaration").

4. I also reconfirm that in my previous "Declaration of Prior Invention Under 37 C.F.R. Section 1.131" filed in this application and signed by me on December 19, 2007 ("my December 19, 2007 Declaration"), and as supported by the evidentiary documents submitted with that Declaration and filed in the above-identified application, the discussion of the first commercial demonstration that was made to DZ Bank, New York Branch on December 12, 2002 refers to an actual reduction to practice, since the demonstration was of an operable prototype, as detailed in paragraphs 16 through 20 below, and in paragraphs 18 through 22 of the accompanying "Second Declaration of Robert P. Catalano" signed on March 10, 2009.

5. I have read the accompanying "Second Declaration of Robert P. Catalano" in this application and signed on March 10, 2009 (the "March 10, 2009 Catalano Declaration"), and the "Declaration of Robert van Eyck" in this application and signed on March 3, 2009 (the "van Eyck Declaration"), both of which are submitted concurrently herewith. I have served as

the President of IMAG, Inc. (IMAG), the assignee of this application, since June 1993 and I supervised and directed the work of Messrs. Catalano and van Eyck as described in their respective declarations. I confirm the accuracy of the Declarations based on my own knowledge of the facts recited, and on information and belief. I have also read the accompanying "Declaration of Oliver d'Oelsnitz" in this application and signed on March 5, 2009 (the "d'Oelsnitz Declaration"), which is submitted concurrently herewith, and confirm its accuracy based on my own knowledge of the facts recited, and on information and belief.

6. I further reconfirm the accuracy and content of my June 23, 2008 Declaration, and clarify that in paragraph 10 of that Supplemental Declaration, the statement that the segments in the adjacent rings of RPC Exhibit A-1 being an "actuatable display region" was based upon what the software application was capable of being programmed to perform. The operation of the front piece identified as RPC Exhibit A-1 of the June 23, 2008 Catalano Declaration is described in greater detail in paragraphs 8 and 19 of this declaration, and also in paragraphs 11 and 21 of the accompanying March 10, 2009 Catalano Declaration.

7. I additionally reconfirm the accuracy and content of the "June 23, 2008 Catalano Declaration" and accompanying Exhibits, based on my own knowledge of the facts recited, and on information and belief, and clarify that in paragraphs 5 and 10 of that Declaration, the statement that the segments in the adjacent rings of RPC Exhibit A-1 being an "actuatable display region" was based upon what the software application was capable of being programmed to perform. The operation of the front piece identified as RPC Exhibit A-1 of the June 23, 2008

Catalano Declaration is described in greater detail in paragraphs 8 and 19 of this declaration, and also in paragraphs 11 and 21 of the accompanying March 10, 2009 Catalano Declaration.

8. The version of the color front piece shown in RPC Exhibit A-1 provided with the June 23, 2008 Catalano Declaration that was actually reduced to practice and disclosed to a prospective customer of IMAG had one segment that was hyperlinked to the linear map, and specifically, to a page similar to that shown in RPC Exhibit A-2 provided with the June 23, 2008 Catalano Declaration. Only a single hyperlink was required for the purpose of demonstrating an operational program to prospective customers, since each banking institution or other prospective customer had different processes and associated risks.

IMAG PERSONNEL AND BUSINESS OPERATIONS

9. IMAG was (and is) engaged in consulting with clients including international banking and finance institutions whose operations were (and are) subject to extensive laws, rules and regulatory schemes imposed by federal governments, state governments and regulatory authorities. IMAG was a small company in 2002, having only four operations employees and a receptionist, and three off-site consultants. The operations employees at the time of the conception and development of my invention were Messrs Catalano, Robert van Eyck, Douglas Sloan and me. The consultants were Tom Pastore, Chares Beach and Joel Talka; they visited the office from time to time, but primarily worked outside of the office. Messrs Catalano, van Eyck, Sloan and I all worked the same office space at 122 East 42nd Street, 25th Floor, New York, NY 10168. The space was about 1800 square feet, and consisted of my

office, a conference room, an open office layout having three active workstations, and a reception area. The three workstations were occupied by Messrs Van Eyck, Sloan, and Catalano. The "small company" environment allowed me to routinely assign various tasks to different individuals, based upon my knowledge of their skill sets and the particular needs at the time. In general, all employees and consultants at IMAG, including myself, performed various duties to achieve the common goal of serving the clients' needs.

10. Prior to development of the application for mapping processes, procedures and risks of banking operations, during the course of our consulting activities, our deliverables were in the form of written reports. These written reports set forth descriptions of processes within our clients' institutions, and analyses of the risks associated with those processes.

REDUCTION TO PRACTICE OF PROTOTYPE IN
ACCORDANCE WITH THE CLAIMS

11. As stated previously, in Exhibit 1 of my December 19, 2007 Declaration, in October of 2002, I decided that IMAG should develop a program to provide our customers with visualized end-to-end process flow analyses. It was at least by October 2002 that I had conceived of my invention that is now claimed in U.S. patent application serial numbers 10/716,893, 10/868,484 and 11/223,468.

12. I reconfirm that shortly after my conception in October 2002, I had a meeting with Mr. Catalano, during which I directed him to implement, in a computer having a processor, an input device, a display for displaying a graphic user interface including a browser,

and a memory, my concept of three-dimensional mapping of processes by the use of graphical representations of processes in an organization as well as risk identification in a manner that would enable a user to identify, define and evaluate the risk in the operation of a business. The initial internal name that we assigned to the graphical multi-dimensional mapping application was the "Enterprise Wide Risk Schematic Diagnostic Mapping Tool."

13. During the subsequent period of about 6 weeks, Mr. Catalano created, under my direction, an operable prototype of the Enterprise Wide Risk Schematic Diagnostic Mapping Tool. Mr. Catalano and I had meetings on a routine basis regarding the progress of the program development, and I regularly provided additional input and direction to the details of the software application selected to create the program and the content of the maps.

14. In addition, Mr. van Eyck was involved with marketing activities of IMAG. As attested to in paragraphs 4 and 6 of the van Eyck Declaration, Mr. van Eyck was aware of the Enterprise Wide Risk Schematic Diagnostic Mapping Tool at the outset, and routinely participated in, or observed, meetings regarding its development for the purpose of providing feedback and ascertaining how a customer would likely view and critique the program.

15. Mr. Catalano provided me a working prototype of the Enterprise Wide Risk Schematic Diagnostic Mapping Tool no later than the first week of December 2002. This working prototype operated as intended, and as described in detail in paragraphs 10 through 16 of the March 10, 2009 Catalano Declaration.

DEMONSTRATION OF PROTOTYPE IN ACCORDANCE
WITH THE CLAIMS TO PROSPECTIVE CUSTOMER

16. IMAG had recently finished a project for DZ Bank, and a continuing relationship with Mr. d'Oelsnitz and other representatives of DZ Bank was expected to result in additional projects. It was therefore decided by me and Mr. van Eyck that DZ Bank would be a good candidate to present the Enterprise Wide Risk Schematic Diagnostic Mapping Tool. On or about December 6, 2002 I scheduled a lunch meeting with Mr. Oliver d'Oelsnitz, General Manager of DZ Bank, New York Branch for December 9, 2002. During the lunch meeting on December 9, 2002, Mr. d'Oelsnitz identified some of the risk analysis issues of DZ Bank, and I proffered a solution in the form of my new computer program for three-dimensional mapping of processes and display of associated risks. Mr. d'Oelsnitz invited me to demonstrate the computer program at the office of DZ Bank's New York branch, and we scheduled a meeting for Thursday, December 12, 2002. This is the same meeting that was referenced in my June 23, 2008 Declaration. In addition, this is the same meeting that was referenced in Exhibit 1, third paragraph of my December 19, 2007 Declaration, and referenced in a copy of the diary page of December 12, 2002 from my records attached as Exhibit 2 to my December 19, 2007 Declaration.

17. On December 12, 2002, I attended the meeting at a conference room in DZ Bank's offices at 609 Fifth Avenue in New York City. The other participants at that meeting were: Mr. Oliver d'Oelsnitz, General Manager, North America for DZ Bank, New York branch; Ms. Mechthilde Boeing, Head of Human Resources and DZ Bank Project Coordinator; Mr. Jeremy Wood of the Human Resources/Administrative Group of DZ Bank who was technological advisor for all matters in the bank's New York branch; and Mr. Catalano of IMAG.

This meeting is further corroborated in paragraph 4 of the accompanying d'Oelsnitz Declaration, one of the attendees, paragraph 10 of the June 23, 2008 Catalano Declaration, paragraphs 18-22 of the March 10, 2009 Catalano Declaration and paragraphs 9-11 of the van Eyck Declaration. Mr. Catalano set up the demonstration of the Enterprise Wide Risk Schematic Diagnostic Mapping Tool in the DZ Bank conference room using IMAG's hardware, including a Hewlett Packard laptop computer connected to a projector (Proxima® Ultralite model DS1), both of which we brought from IMAG's office.

18. During the meeting, Mr. Catalano navigated the three-dimensional mapping program by actuating portions of the displayed so-called "swim lane" process flow chart with a computer mouse, while I verbally explained the systems to the DZ Bank representatives, and how it could benefit the Bank's risk management operations and provide a visual overview of the processes, procedures and risks.

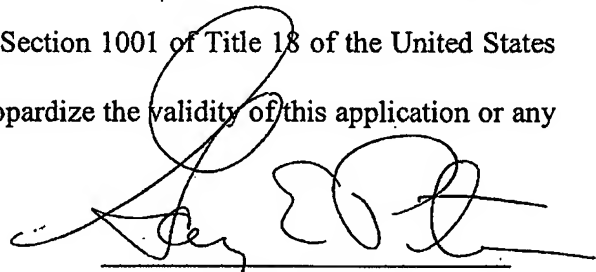
19. The mapping program had as a front piece the series of concentric rings attached as Exhibit A-1 to Mr. Catalano's Supporting Declaration of June 23, 2008. A colorized version of a cover sheet as the front piece of the demonstration created by Mr. Catalano included a circular formation of banking processes an introduction page. For the purpose of the demonstration, one of these issues hyperlinked directly into the linear maps of the Enterprise Wide Risk Schematic Diagnostic Mapping Tool. To navigate the mapping program, Mr. Catalano actuated (by clicking the computer mouse) one of the boxes in the swim lane linear maps to navigate to another page of the flow chart, or expand the contents of the existing page,

depending on the level of the chart. The full operation of the program is detailed in the March 10, 2009 Catalano Declaration at paragraphs 10 through 16.

20. During the meeting, Mr. d'Oelsnitz indicated his general approval of the format and architecture of the Enterprise Wide Risk Schematic Diagnostic Mapping Tool. I presented DZ Bank, New York branch with a written offer letter and proposal, presented as Exhibit 3 in my December 19, 2007 Declaration; as stated in Exhibit 1 of my December 19, 2007 Declaration, this agreement was accepted on January 7, 2003 and a project Kick-off Meeting occurred on January 9, 2003. This is further corroborated in paragraph 5 of the accompanying d'Oelsnitz Declaration.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Date: March 10, 2009



Gary E. Peterson